BE SURE TO ATTEND THE NEXT PUBLIC HEARING

• The Phillips 66 <u>Public Hearings</u> will continue on Thursday, Sept. 22, 2016. The public's presence will remind Planning Commissioners that the rail terminal project must be rejected.

They need to "SEE, HEAR & HEED THE PEOPLE!!!"

• See details about attending on page 5.

"THE MESA REFINERY WATCH GROUP"

Newsletter: August 22, 2016
FACT-CHECKED REASONS TO REJECT THE PHILLIPS 66 RAIL TERMINAL



CRUDE-BY-RAIL:

- Only Phillips 66 Wins
- Citizens Become Collateral Damage

- www.mesarefinerywatch.com - "Like Us" on Facebook at Mesa Refinery Watch

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(Please see Contents on the next page.)

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A. WHAT'S NEW THAT YOU NEED TO KNOW

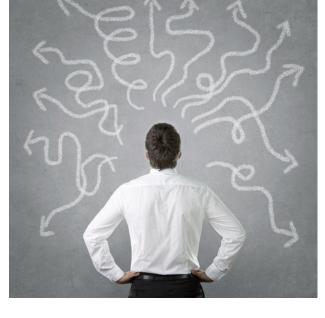
1. Phillips 66 Continues To Seek Further Delays, Cause Confusion And Replay Their Already Debunked Reasons For The Rail Terminal

There's no doubting P66's approach. First they backtracked regarding the type of crude they'd ship. Then it was the number of oil trains per week. Then they cloaked themselves in federal "preemption," to supposedly make <u>SLO County impotent</u> to protect itself from the destruction wrought by flammable tar sands trains.

And just within the last weeks, here's how they're attempting to make the process even more tortuous and ultra-complex, hoping to frustrate and confuse officials and citizens:

➤ Requesting A Six-Month Delay: P66 wants SLO County's Planning Commission to delay its work until March '17. Their rationale?

Benecia, CA is in a similar crude-by-rail fight against Valero Oil. After Benecia said "NO!", Valent Transportation Board to rule on "preemption"



against Valero Oil. After Benecia said "NO!", Valero asked the federal Surface Transportation Board to rule on "preemption." P66 wants a delay to learn of STB's decision.

If P66 were <u>already confident</u> about their claim of federal preemption, why wait 6 months??? It's likely because they know **SLO County also has the right to protect itself, just like Benicia!** Perhaps P66 is looking for a "Hail Mary."

- ▶ Submitting A Self-Serving "Statement Of Overriding Considerations": P66 has given the Commissioners reasons for approving the rail project ... i.e., those which commissioners can hide behind. Essentially, they say all the impacts identified by the County staff as "significant and unavoidable" either don't exist or should be ignored so that P66 can profit from crude-by-rail. They imply that the refinery would close and the County would suffer financially if they don't get their way -- all of which has been debunked in a dozen ways.
- ▶ The Planning Department Wants To Know Why & How P66 Is Now Using <u>Trucks</u> To Deliver Crude Oil To Its Refinery: For six decades P66 has accessed its crude oil via <u>pipeline</u>, not via rail nor truck. Now we learn that crude oil <u>trucks</u> are arriving. The Planning Department wants to know HOW COME? (See details on page 7.)
- ▶ P66 Owes SLO County Up To A Quarter-Million Dollars: SLO County must hire consultants to assess the rail terminal project, with P66 paying the bills. But the County reminded P66 on July 8th that it's about to go in arrears by up to \$240,000! As of this newsletter, we don't believe P66 has written the check, but we expect them to do so. That amount is insignificant to the multi-billion dollar company.

2. Mark <u>September 22, 2016</u> On Your Calendar -- Attend The Next SLO County Planning Commission Public Hearing On P66's Proposal For Crude-By-Rail

Our Public Officials Need To ...

"SEE, HEAR & HEED THE PEOPLE!!!"

▶ "Public Comment": At the meeting, citizens will yet again tell commissioners why they must put our health and safety far above P66's profits, and deny the project.

Although we are vehemently opposed to the project under any circumstances, we will also be able to comment on "conditions of approval" - i.e., the strict stipulations P66 must meet if the project were to <u>unbelievably</u> be approved.

• <u>NOTE</u>: Even if you've spoken at the hearings this year, <u>you may do so again</u>. But please attend even if you <u>don't</u> plan to speak.



- ▶ Additional Topics: At the same meeting, the commission and its staff may discuss the delay P66 is seeking, potential conditions of approval, a potential "statement of overriding considerations", funding issues related to the project, and other subjects.
- ▶ Location: Board of Supervisors' Chambers, Room #D170, County Gov't. Center; 1055 Monterey St., SLO; corner Santa Rosa St. & Monterey St. To the left of the Fremont Theater.
- ▶ Date/Time: Thursday, September 22, 2016. The session starts at 9:00 AM but you should be there <u>earlier</u> to get a seat in the chambers and/or sign up to be a speaker.
- ➤ Travel By Bus: The Mesa Refinery Watch Group is sponsoring a fare-free bus to and from the meeting. It will leave at 7AM sharp on September 22nd from Trilogy's Monarch Club in Nipomo. You must sign up ahead of time with the club's concierge. First come, first served.
- ➤ Contact Us: Please send an email to
 Eunice King (MRWG's Chief
 Administrator) to let her know you'll
 attend or if you have questions -MRWCoord@gmail.com. Kindly include your phone number.



3. Los Angeles County Supervisors Vote To Oppose P66's Crude-By-Rail Plan

On August 9, 2016, Los Angeles County supervisors voted to request that SLO County officials <u>reject</u> P66's rail terminal application. (Link to their letter is below.)

The vote was 3 - 0, with two abstentions. (Perhaps even those who side with the oil industry, could not put themselves on record as favoring flammable crude oil trains, and therefore <u>abstained</u>.)

Last September, the <u>City</u> of Los Angeles passed a resolution opposing the project. But this new vote takes into account the entire, sprawling LA <u>County</u>.

The board took this action despite the fact that P66 operates a refinery with two facilities in LA County.

They obviously recognize that the health and safety of **10 million citizens** is a much greater priority than allowing an individual oil company to increase its already exceptional profits.

http://goo.gl/iiidXJ (see item 44-A) • http://goo.gl/I4fYzK



4. Almost Seven Contiguous Coastal Counties Now Oppose P66's Proposal. But The One That's "Ground Zero" And Completes The Puzzle Is Incredibly Missing!

In virtually every coastal county where P66's tar sands tankers will endanger residents, their supervisors have voted to ask SLO County to reject the plan. These include ...

► Alameda, Santa Clara, Santa Cruz, Monterey, Santa Barbara, Ventura and Los Angeles.

Conspicuously missing is **SLO** County which will suffer the most -- with threatening trains coming from both the north and south, and with never-ending pollution throughout the region.

SLO County supervisors will ultimately vote on the project. And they must remember that their decision will impact the lives of people in every single county shown in yellow on the map.



Supervisors can't simply say - "Officials outside our County have no business recommending what to do." Why? Because *every life up and down the coast matters, equally!* Their well-being must not be coldheartedly ignored due to lines on a map.

5. P66 Is Now Using Trucks To Bring Crude Oil To Its Nipomo Refinery --Here's Who To Contact If You Wish To Report Seeing Trucks Or To Lodge A Complaint

On June 30, 2016 the SLO County Planning Dept. wrote to P66 (http://goo.gl/D8DZHU) ...

"During the April 15, 2016 hearing it was revealed that Phillips had begun transporting crude directly to the refinery via <u>truck</u>. This is <u>new information</u> for the County. The County's EIR (was) conducted under the assumption that Phillips did <u>not</u> bring heavy crude onto the (refinery) by truck."



The letter goes on to tell Phillips they must submit a "Trucking Plan" with details on the trucking operations in order for the County to move forward in their work.

To report trucks or lodge a complaint: call/email Ryan Hostetter, Supervising Planner - 805-788-2351, rhostetter@co.slo.ca.us; or go to http://goo.gl/ITjVgO and select "Code Enforcement" under Quick Links.

6. The Oil Industry's Twisted Logic - Oil Spills Are A Good Thing For Our Economy!

Washington State's energy department recently held hearings on crude-by-rail. According to those testifying on behalf of the oil industry, oil spills are not all that distasteful!

Documents submitted by the industry stated - "Impacts from an accident fail to recognize <u>economic activity</u> generated by spill response. When a spill occurs, new activity occurs to clean up contaminated areas and remediate properties. Evidence suggests such activity can be large."

Energy company Kinder Morgan supports that logic -- "Spills can have positive effects on local economies. Spill response creates business and employment opportunities."

More specifically, testimony in Washington state pointed to the <u>temporary</u> jobs created by the 2015 <u>Santa Barbara</u> spill. But as per ThinkProgress.org - the industry's positive spin "does (not) mention that California's Economic Forecast



Director predicted the Santa Barbara spill would **cost the county 155 jobs and \$74 million in economic activity**."

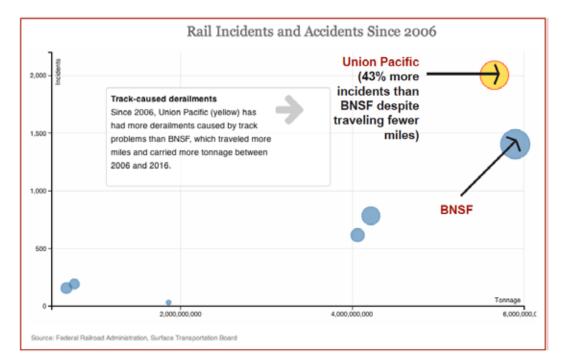
On the other hand, using even more <u>backwards</u> thinking -- with P66's crude-by-rail plan, SLO County can look forward to a generous economic "pick-me-up" every time crude oil trains dump their cargo in our communities!

7. Union Pacific Trains Travel Fewer Miles, Yet Have The Most "Incidents"

EarthFix¹ recently used Federal government rail safety data from a 10-year span to compare seven major railroad companies².

In particular, it zeroed in on the railroads with the most miles traveled over that period ... BNSF (#1) versus Union Pacific (#2).

Oregon Public Broadcasting reports - "The analysis shows Union Pacific had <u>more accidents</u> than BNSF, despite fewer miles traveled and a lower overall tonnage."



- ▶ BNSF traveled 5.9 billion freight miles over 10 years, and had 1,404 "incidents" caused by track problems.
- ▶ Union Pacific, despite traveling 5.7 billion miles (approximately 200 million miles <u>less</u>), had 2,003 incidents (i.e., 43% more mishaps). And Union Pacific had the most accidents of any railroad in the analysis.

So regardless of what P66 and Union Pacific tell us about how safe P66's crude oil tankers will be, we'd be dealing with the #1 accident-prone railroad in the U.S. as it hauls flammable tar sands through SLO County and California.

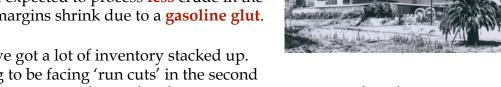
¹A public media partnership of Oregon Public Broadcasting.

²BNSF, Union Pacific, CSX, NS, CN, KCS, CP.

8. Once Again P66 Admits They're Drowning In Inventories Of Crude Oil & Gasoline

P66 is sticking to its story that there are "diminishing" supplies of crude to feed their Nipomo plant, a claim which has been clearly exposed as <u>inaccurate</u>. Here's another "proof point" ...

- In March 2016, P66 Chairman Greg Garland, reported that the company had refined so much crude that they "took offline 400,000 barrels a day of processing. We ran max gasoline in the fourth quarter (2015)" and built too much inventory. "When we look in the mirror, we find the enemy. We had to work through that 'overhang'."
- Well he was back <u>again</u>, four months later in July '16. P66 says refiners are expected to process **less** crude in the 2nd half of 2016 as margins shrink due to a **gasoline glut**.



Mr. Garland -- "We've got a lot of inventory stacked up. The industry's going to be facing 'run cuts' in the second half of (2016)." So - on purpose due to the glut, P66 is again running at less than capacity.

> Therefore -- when P66 wants you to think their Nipomo plant is in danger of closing due to diminishing supplies, think again. Our nation, and P66, is drowning in supplies of crude oil.

http://goo.gl/xGMOn0 • http://goo.gl/UdeYOL



9. P66 Partners With "Plains All American" To Build A Pipeline In Oklahoma; So There's No Reason P66 Can't Invest With Them To Fix Plains' California Pipelines!

Plains All American operates pipelines which bring California crude oil to P66's Nipomo refinery. They're also the company responsible for corroded pipelines that caused the Refugio oil spill ... which then led to diminished pipeline supplies for the refinery. Of course, P66 is using the temporary pipeline shutdown as an excuse for their crude-by-rail proposal.

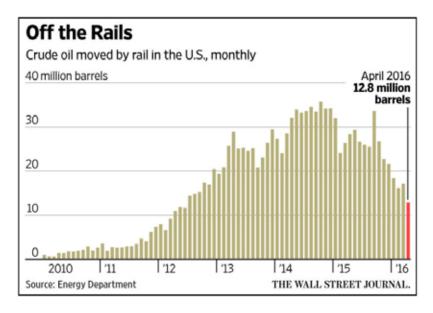
Now we see that P66 is uniting with Plains to build and jointly own a 12-mile pipeline in Oklahoma. Given that P66 has no qualms in partnering with Plains, there's no reason for them not to also invest in helping Plains repair/replace their California pipelines, thereby restoring full crude oil shipments

to Nipomo. Problem solved -- no need for crude-by-rail! BUT -- P66 wants to use rail, not pipelines in California ... so they're likely not motivated to help fix the lines.

10. Industry Executives Say The Future Of Shipping Crude Oil Is Via Pipeline, Not Rail

According to the Wall Street Journal -- "The oil-train boom is waning almost as quickly as it began."

The WSJ reports that while rail shipments of crude oil rose dramatically over the last four or five years (see chart), those costly shipments have <u>fallen</u> along with the tumble in oil prices ... prices which aren't predicted to rise significantly in the near future.



Some of the decline in crude-byrail could be permanent. According to Union Pacific's Chief Executive Lance Fritz -- "At least some portion, and it could be a pretty large portion," of the (rail) business won't return.

Another factor is the increase in new <u>pipelines</u> delivering crude oil, which is a less costly mode than rail. An industry executive remarked - "New pipeline infrastructure has been put in place to move significant volumes of oil to market."

- ▶ Even P66 is jumping on the pipeline bandwagon. "Phillips 66 is (developing) a pair of pipelines that will bring North Dakota crude to Illinois and then down to Texas."
- ▶ How will P66 react if it's allowed to execute its crude-by-rail plan for SLO County and California? Well, they've stated they simply want rail for "optionality" -- just to have it as an optional method of delivery -- using it whenever it's more profitable to bring in cheaper, imported (dirty and toxic) tar sands oil by rail.
- ▶ Their Nipomo refinery is not in danger of closing. There's sufficient California crude available for the facility. The current closed pipelines will be repaired and reopened. Refinery jobs are not at stake. So P66 doesn't "need" rail. They simply "want" it. But given the dangers of rail, SLO County's response must simply be "NO."

http://goo.gl/lrlnKG

11. Veteran Los Angeles Times Columnist Ponders - What Would Happen If A Crude Oil Train Went Off The Rails On The Central Coast?



Last month, the LA Times' Robin Abcarian drove 190 miles to San Luis Obispo to observe the "Stop The Oil Trains" rally. The link below provides her entire report. Some excerpts ...

"When I read about the Mosier (Oregon) derailment, I thought about San Luis Obispo County, where a proposal at an existing Phillips 66 oil refinery is being vigorously challenged by a group of citizens who don't want three mile-long oil trains traversing their county each week, bringing air pollution, noise and the risk of derailment.

"The fight has spread beyond SLO. Supervisors in counties up and down the state have officially opposed the project. So have at least 22 city councils. Most people don't want potentially explosive cargo barreling through their community.

"When I drove from SLO back to LA, I had images of the Mosier derailment in my head.

I imagined explosions and flames."

- "On Highway One, I drove past the tiny train depot in Oceano, and thought, this could go up like kindling if an oil train tipped over here.
- ➤ "Off Highway One, down 14 winding miles to Jalama Beach, the remote camping spot with winds that whip the ocean into froth, I thought, a derailment here probably wouldn't hurt too many people.
- "But near downtown Santa Barbara, there's a pretty sharp bend in the tracks. Heavy tankers put enormous stress on curves. A derailment in Santa Barbara? Unlikely, but best not even to think about it."



"San Luis Obispo County supervisors are in a unique position to help protect every Californian who lives within a mile of Union Pacific's tracks, often called 'the blast zone.'

"I hope they can rise to the occasion. " - Robin Abcarian

12. Paso Robles Named "Best Wine Country Town" -- But P66's Rail Plan Would Change That

Sunset magazine just gave Paso Robles its 2016 Travel Award for "offering the perfect getaway" ... including wineries, lodging and dining. It particularly noted a "town square circled by shops and restaurants."

But when Sunset's editors visited the town, what they <u>didn't</u> see is what might ultimately change their opinion in the future.



What they didn't see was P66's mile-long oil trains bisecting the town ... each with <u>three</u> diesel locomotives spewing toxic emissions, turning a bucolic venue into an ugly, noise-filled scenario. And of course they didn't see the very real threat of derailments, spills, fires and explosions that each train would pose, potentially scarring the town's reputation.





What Sunset's editors didn't see is ...

- ▶ Diesel exhaust and smoke landing on the Echelon, San Marcos Creek, and Ada's vineyards.
- ▶ Oil tankers moving past the Fairgrounds by about 500 feet, where the Mid-County Fair and other events are held, and past the Travelodge, Best Western, Holiday Inn and Motel 6.
- ▶ Tankers passing downtown's City Park with its <u>brand new playground</u> by about 500 feet.
- And tankers loaded with flammable, diluted tar sands within shouting distance of the YMCA, The Vines RV Resort, The Wine Country Inn, the Library Study Center, The Oaks Hotel, the Adelaide Inn, Starbucks, Margie's Diner, Touch of Paso, Cool Hand Luke's, Park Cinemas, Hotel Cheval, and even the Paso Robles Fire Department, to mention just a few.

What will it take to protect the image of Paso Robles? It will take the courage of local officials and citizens to stand up for their way of life and businesses, and tell County officials to turn down the P66 plan ... a plan which offers absolutely nothing to Paso Robles!

13. In California -- New Law Slaps A Penalty On Rail Shipments Of Volatile Crude Oil; In Response, The Railroads Are Of Course Suing California



Rail cars in California carrying dangerous chemicals, including flammable crude oil, will have to pay a new fee to the state. The Office of Emergency Services found that the state is <u>unable</u> to handle related spills, and a new fund is required to improve derailment response capabilities.

The state listed 25 of the most hazardous materials shipped by rail -- including flammable oils. Under the new law, each car containing such oil will cost \$45, paid for by the shipper. For example, each of P66's 80-car trains would likely be assessed \$3,600 (\$561,600 per year).

The Reason For The New Fee:

"When one of these trains derails, it puts lives, property and the economy at risk.

Right now, we don't have the capacity to deal with a major spill."

- California's Fire and Rescue Chief Kim Zagaris

As expected, the Union Pacific and BNSF railroads are terribly upset that they would have to pass the fee on to companies like P66. They claim that:

- ▶ The fee is illegal -- that federal law prohibits constraint of interstate commerce.
- ► The need for response is overstated. (They obviously haven't heard about the derailments in Oregon, Virginia, North Dakota, Lac Megantic, Gogama, etc., etc.)
- ► Trucks hauling crude will not pay a fee, so why should the railroad? (Of course, the quantity spilled from multiple rail tank cars is far larger than a spill from a single truck.)

So on August 1st, Union Pacific and BNSF sued California.

Unfortunately, given that P66 had 2015 earnings of \$4.2 billion, a fee of \$3,600 per train is unlikely to halt their shipments. Why, it's even conceivable that we'll see the cost trickle down and passed along to our gasoline pumps!

14. "Regulatory Capture" -- It's When California Agencies That Are Supposed To Be Holding Oil Refiners Accountable, Are Instead Lassoed By Them

The LA Times recently reported on "regulatory capture" -- where "an agency overseeing an

industry begins to see things the industry's way." Wink, wink.

They pointed to California's South Coast Air Quality Management District board and the local oil refiners.

The Times' view is that despite the fact that those "refineries are among the worst polluting facilities, (it) didn't stop the board from rejecting a clean-air plan worked out by staff over 37 months."



Instead, the board substituted and approved "a plan made public **that very morning**, developed by the Western States Petroleum Association, a refinery lobby." The board then **"fired its executive officer who had supported the staff proposal."**

In SLO County, we must all be *vigilant*, *on guard*, *watchful and VOCAL*. We must remind officials that first and foremost they represent the <u>people</u> and hundreds of local <u>businesses</u> ... not the selfish interests of a global oil behemoth.

We'd all like to believe SLO County officials are immune to pressure from <u>Houston cowboys</u> and their attempts to divert officials from their sworn obligations. Unfortunately that line of thinking can be Pollyannish.

So let's stay wary and extremely observant.

Let's be <u>fair</u>, but call 'em as we see 'em. Let's shed the light when required.

And we must let our <u>future votes</u> reflect our opinions.

15. After Derailments ... What Are The Lasting Results For Citizens & Businesses?

Just weeks after Union Pacific's oil train derailment in Oregon, Mosier Mayor Arlene Burns was interviewed by SLO County's Charles Varni. (Click on the YouTube link below for the full video.) Excerpts from her comments ...



"In Mosier what's happened since the derailment -- there are families wanting to move to a different area cause they don't want their kids in school that close to the tracks."

"Property values have gone down. (People think) 'oh yeah Mosier, that's where the derailment was!' And now Mosier is known as the place where the train derailed."

"It is known as the place that was contaminated by an oil spill, as a place where the kids were nearly incinerated."

"That has become this cloud over our town. In fact, a guy who's about to build a cheese factory said 'Why would I build it now?! Why would I invest my money that close to the tracks if something like that could happen so easily?"

"A derailment really starts having economic impacts on the community in ways that have a ripple affect."

https://www.youtube.com/watch?v=L3wz9kkcZyg&feature=youtu.be

16. What's It Like To Live Through A Crude Oil Train Disaster?

After the Mosier, OR derailment, local citizens came forward and put together a website to educate the rest of us about the dangers of crude-by-rail accidents (www.mosiervoices.com). Some excerpts ...

▶ Ron Carroll, Volunteer Firefighter: Ron was driving home and as he approached Mosier, he saw an emerging black mushroom cloud. "I came over the overpass and looked west and saw jack-knifed (tanker) cars on the track and fire burning." The Mosier firefighters worked with other responders for over 14 hours to put out the fire. But Ron knows that a windless day made the biggest difference of all.

Ron believes that the entire (Columbia River) Gorge is woefully unprepared to fight these types of oil fires. "Nobody, not even Portland, is prepared to fight these fires."



▶ Charles Young; Emily & Gus Reed: Charles, a volunteer firefighter, received a text for a "Priority



1 Fire" and was the second responder on the scene. With **15-foot high flames**, he and a fellow firefighter worked to stop the expansion of the fire, <u>not</u> to put it out. Less than a quarter-mile away, his eight-year old son Gus was at school when he heard a loud, grinding, metal sound.

Emily, Mosier's city council president, was in California. She got home and served as a media voice and public conscience for the community. "The issue of oil trains has gone from my head to my heart. It has always been in this theoretical space and now it's real."

Emily is concerned the derailment could have a larger impact on the school's long-term success. "Everyone who attends here has a choice to go to another school. This doesn't help," Emily said as she motioned toward the railroad tracks. "Kind of hurts the brand."

▶ Lisa Nelson: Her home sits a few hundred feet from the tracks. She didn't really think much about the oil trains that rolled by until June 3rd. The derailment and fire forced Lisa and her husband to cut through neighbors' backyards to reach their property.

As they watched from their backyard, the smoke and flames shooting above the treetops unnerved her. One of the "non-explosion" explosions (the railroad people told her not to call it an "explosion") shook her. "I heard it, I felt it and I briefly cried."



The threat of these trains has now permanently sunk in. "This has changed my life," said Lisa. "I'm embarrassed to say I was only vaguely aware of the oil trains. Now it is all consuming." Perhaps the biggest loss for her is the loss of safety when she is home.

"Our home was a haven for us. Now, I don't feel as safe here."

17. Highway 101 Was Closed Both Ways In SLO County Due To A Mobile Home Park Fire; Imagine If It Were Shut During An Oil Train Disaster & Responders Couldn't Reach SLO

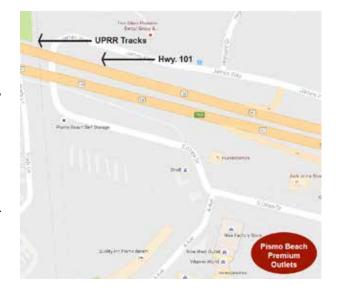
In June's oil train derailment and explosions in Mosier, OR, the interstate was closed for 23 miles. While residents waited for help to arrive, first responders were <u>stuck in gridlock traffic</u>.

The very same scenario could play out in SLO County. On July 26th, a brush fire spread to a nearby mobile home park in Atascadero. The thick smoke drifted across Highway 101. Flames spread to brush by an off-ramp. CHP's response? They closed Highway 101 in both directions.

Union Pacific's tracks are often adjacent to Highway 101. For example, they cross the highway next to Pismo's Premium Outlets.



If a Mosierlike derailment occurred there, the freeway



would certainly be closed. And it would be **nearly impossible** for responders from LA, Santa Barbara, Monterey and elsewhere to arrive in time to help.

http://goo.gl/97GSGs • http://goo.gl/Relxq2

18. Feds Issue New Regulations ... But They Do Nothing To Prevent Oil Train Derailments

The U.S. DOT has issued new rules for crude oil trains. They require carriers to notify local governments about: the number of cars carrying crude; the trains' routes; and whether hazardous materials are on board. They also require carriers to have spill plans in place.

All of this is of course worthless when it comes to stopping crude oil train accidents to begin with. They will not decrease the risk of accidents nor their impact on the public, businesses and the environment. Therefore, the derailments, fires and explosions will continue. The only way to



prevent them -- <u>ban</u> volatile crude oil trains from SLO County and California.

19. P66's Refinery In The Bay Area Fined \$793,000 For Multiple Air Pollution Violations

P66 has been forced by the Bay Area Air Quality Management District to pay almost \$800,000 for violations at its Rodeo refinery. The settlement covers <u>87 notices of violation</u> for non-compliance at its facility up through 2014.

They included heavy smoke from flaring, spewing odors, and sending gases into neighboring communities. A Rodeo citizen commented -- "(P66) needs to think more about the public than the mighty old dollar."

Throughout SLO County, P66's plan for crude-by-rail will seriously degrade <u>our</u> air quality, including multiple "Class I significant and unavoidable impacts." Their plan is just more of the same old disregard for our health and safety.



http://goo.gl/3Aaxd6

20. Feds Fine Company More Than \$170,000,000 For Tar Sands Oil Spill In Kalamazoo River

The Justice Department and EPA finally fined the Canadian firm Enbridge for a massive, 2010 tar sands oil spill in Michigan's Kalamazoo River.



Over a million gallons of tar sands went into a 40-mile stretch of waterways. The cleanup cost \$1.2 billion (paid previously by Enbridge). Even so, the river is still not restored. The problem -- tar sands is so heavy that it sinks in water, making it incredibly difficult to remove.

Enbridge will now spend \$110 million more to prevent spills, and will pay civil penalties of \$62 million. This is the second largest fine ever for violating the Clean Water Act. Previously, Enbridge reached a \$75 million deal with Michigan as it bought 154 homes affected by the spill.

Tar sands is the oil P66 hopes to ship to <u>SLO County</u> by rail, with tankers traveling over and adjacent to waterways in California and our County.

Our officials cannot ignore the facts -- tar sands is a "horror show" any way you look at it -- in its extraction, its shipment, and in its refining.

We must not permit it to invade our lives.

21. Judge Says First Responders Have Rights -- They Don't Volunteer For "Reckless Risks"

Last month we reported on a lawsuit filed by first responders in the 2015 Maryville, TN derailment, in which flammable liquid (acrylonitrile) spilled, caught fire and spread noxious, carcinogenic fumes.

Hospitalized responders are suing -- they claim the railroad should have prevented the accident and that the tankers weren't designed for toxic materials.



But defendants said emergency workers know their jobs are dangerous, so can't sue businesses for injuries suffered on the job.

A federal judge <u>disagreed</u>. He found that responders do not sign up for extraordinary risks. He ruled -- "Plaintiffs have sufficiently alleged that being exposed to toxic chemicals is <u>not</u> a reasonably expected danger." He determined that responders are making a credible case that the railroad was negligent. The case is continuing.

Responders in SLO County also have rights. To <u>knowingly</u> and <u>consciously</u> put them in harm's way by approving P66's plan for flammable crude oil trains, is a shameless disregard for their health and safety.

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22. Oil Company Forced To Abandon Plans For Crude-By-Rail In Baltimore

Energy company Targa Terminals had sought to <u>expand</u> a facility it operates in South Baltimore, enabling it to ship in crude oil via rail (creating 10 new jobs). But under pressure from citizens and attorneys, <u>Targa withdrew its application</u>.

Each train would have hauled 35 crude oil tankers (*P66's proposal in SLO County is to haul <u>80</u> tankers per train*), adding to the many crude oil trains already traveling through Baltimore.



The group "Clean Water Action" stated - "If (the terminal) had been constructed this would have <u>increased air pollution in an already overburdened area</u> (sound familiar?). It would have meant more trains where people's homes, parks, churches and businesses are just yards from the tracks - putting them at risk of an explosion if one of those cars derailed."

This is further evidence that <u>once rail shipments are allowed</u> in communities, the only winners are the oil companies. Citizens receive nothing but pollution and the dangers of derailments and explosions. The solution - stop the trains from coming <u>in the first place!</u>

23. Vancouver, Washington Bans Crude Oil "Rail-To-Marine" Terminal

Vancouver's City Council has voted unanimously to ban crude oil storage and handling in the city's industrial zones. Oil companies had wanted to build a rail-to-marine transfer terminal in the city along the Columbia River (the same river where the Mosier, OR disaster occurred).

One citizen remarked - "That we would put jobs at the oil terminal and oil profits ahead of the lives of our citizens is <u>immoral</u>." An official who supports the project shrugged off any concern -- "Accidents happen."



Washington's governor will have the final say. The decision may take another year.

http://goo.gl/oaseMf • http://goo.gl/sVceJw

24. Brake Failure On Union Pacific Train Causes Wildfire, Plus A Five-Car Crash & Injuries

It's happened again in Oregon, one-hour east of where the Mosier rail tanker explosions occurred in June. It took place six weeks later in Arlington along the Columbia River Gorge. **And again Union Pacific was involved** (cargo unknown).

- ➤ The brakes on one car overheated. It caused the car to <u>separate</u> from the train.
- ▶ All of that resulted in a grass wildfire on Interstate 84, engulfing 1,200 1,500 acres. The fire jumped the lanes and set the median ablaze. The interstate was shut in both directions for hours.
- As shown here, the thick smoke obstructed drivers' visibility. That resulted in five autos slamming into one another.

Nine people were taken to the hospital.



• What do you think might happened if the brakes on a Union Pacific oil train failed on the <u>Cuesta Grade</u> in SLO County?

25. SLO County Citizens Are Adamant -They Keep Telling Officials "No" On The Rail Project



Deborah Dickinson Of San Luis Obispo, In A Letter To SLO County Supervisor Debbie Arnold (July, 2016): "I am writing out of fear and anger. I know you have heard all the reasons and arguments why we should not allow these trains to travel through our county and why we should not allow Phillips 66 to build a rail terminal.

"I am FEARFUL because I live well within the 'Blast Zone'; around the corner from Los Ranchos Elementary School, where the tracks run directly behind the buildings and playground. I am terrified of what will happen when one of these trains derails.



"I am ANGRY because it seems that County Supervisors are not listening to the voices of their constituents. I, as a registered voter, am imploring you and your fellow Supervisors to deny Phillips 66 their plans to increase higher profits by delivering low cost crude by rail through our beautiful county."



Myra Lathrop Of Paso Robles, In A Letter To SLO County Supervisor Frank Mecham (July, 2016): "It is unconscionable to even consider such a potentially unsafe and environmentally disastrous proposal, let alone approve it. No amount of reassurance from Phillips 66 will help if one of these trains derails, whether in Paso Robles, SLO or any other area. The devastation and potential loss of lives is unthinkable."



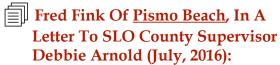
Solution Joseph Amanzio Of <u>Paso Robles</u>, In A SLO Tribune Letter To The Editor (July, 2016):

"We have been told oil train derailments are unlikely. However, there is no insurance available to protect communities from an unlikely event of massive damage and potential death resulting from an explosion of an oil train derailment.

"The only insurance is for our supervisors to demonstrate their social responsibility and deny the Phillips 66 application. If our supervisors approve the expansion, their approval would be the height of arrogance and disregard for the safety of SLO County citizens."



Maggie Fertschneider Of Atascadero, In A SLO Tribune Letter To The Editor (July, **2016):** "Our Board of Supervisors is the only legal entity that can say 'yes' or 'no' to this project. This gives us a great advantage and a huge responsibility. I hope we will not fail the adults and children in Oregon and Washington, along with citizens in California."



"Senator Corker, a Republican from Tennessee (has) said - 'the highest, most important job of any public official is the safety and security of those he represents.' I am curious if you feel that way as well?

"After seeing the damage (the Oregon derailment) did to the city and its people, do you feel that allowing (P66's) trains through our county is the best way to protect the safety and security of citizens in Pismo Beach?"



Mark Nelson Of Grover Beach, In A Letter To SLO County Supervisor Debbie Arnold (July, 2016): "This project, EVEN IF DONE SAFELY, will significantly degrade our air quality visual appearance, poise levels and traffic flow. And heaven forbid, what would

quality, visual appearance, noise levels and traffic flow. And heaven forbid, what would a derailment do (to us)???"

Joyce Zimmerman Of <u>Atascadero</u>, In A Letter To SLO County Supervisor Debbie Arnold (July, 2016): "I can't believe you would in all good conscience endanger your constituents by voting in favor of the rail spur. I hope you will also encourage your fellow Board Members to vote against this outrageous proposal."

Alan and Jean Ashby Of <u>Atascadero</u>, In A Letter To SLO County Supervisor Debbie Arnold (July, 2016): "I ask that you not support the Phillips 66 oil trains. That is not an environmentally safe mode of transport. Vote no."

Madeline Palaszewski Of Los Osos, In A New Times Letter To The Editor (July, 2016):

"This project has many glaring health and safety issues and a long list of organizations that oppose it. From increased air and noise pollution to the very real possibility of a catastrophic derailment and explosion, this project is designed to benefit a few and could harm thousands of our citizens.

"I ask our elected officials to protect us from this dangerous project. Do what is right for SLO County and other communities along the tracks. Vote no rail spur project."



Laura Sheehan Of <u>Arroyo Grande</u>, In A SLO Tribune Letter To The Editor (July, 2016):

"It is with great dismay that I learned that trains carrying heavy crude are being considered by the county to be delivered to the Mesa Refinery in Nipomo.

"(These) trains have caused destruction and loss of life in other areas, and it is appalling that the oil and rail companies involved would have the arrogance to even consider such activity on our beautiful Central Coast. It has been said that, if this permit is not approved, the refinery will close, causing loss of jobs. It turns out to be a big lie."



🗐 Victoria Grostick Of San Luis Obispo, In A SLO Tribune Letter To The Editor (July, **2016):** "If you attended the July 9th rally, you were horrified by Mayor Arlene Burns' tale of the derailment in Mosier. It was a chilling story of what could have been more disastrous if the wind had shifted. It took five days for the cars to cool.

"Imagine the impact a derailment would have here, with our population and the track's proximity to homes, schools and hospitals.



"Write (to) the SLO County Planning Commission, your city councils and the Coastal Commission. Let them know you stand for safety and not profit for big oil."



Natalie Risner Of San Luis Obispo, In A New Times Letter To The Editor (July, 2016):

"I had the privilege to grow up on the Central Coast. I am now raising my family in SLO County. And I am very concerned (that) a massive 1-mile-long oil train could be coming through the hearts of our towns.

"These tanker cars (are) a threat to humans, homes, schools and hospitals. Our county does not have the resources to pay for such a disaster. These trains will lower property values while increasing diesel particulate matter, which causes cancer, asthma, and other respiratory problems ... especially in children as their body and immune systems grow. Put the people before profit."

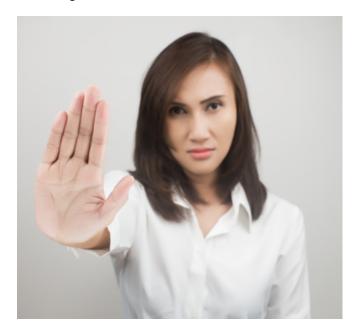


Nicole Fuller Of San Luis Obispo, In A Letter To The SLO Planning Commission (July, 2016): "You <u>must</u> know that Phillips 66 has nobody's best interest in mind—only their profits and production. Nobody who doesn't profit wants it.

"You probably don't realize there is a one mile blast zone radius. 30% of SLO county residents live in the blast zone ...

 Paso Robles -45% **52%** Atascadero -63% Templeton -100% Santa Margarita - Oceano -88% **76%** Grover Beach -72% • San Luis Obispo - Pismo Beach -37%.

"You could not possibly know all of this and still allow it to happen. How could a person possibly make the



decision to endanger those whose best interests they are entrusted to represent?"



Lisa Siegel Of Carpenteria, In A Letter To The SLO County Planning Commissioners (July, 2016): "I have a home separated from the train tracks by only a one lane road. In the event of an accident, my property and family would be in the 'hit' zone and could suffer severe injuries or even death.

"This causes me massive concern and worry. My house and property should not be in anyone's 'hit' zone and should not be clouded with stress and worry. I am against a proposal that might expose us to noise, toxic fumes and severe injury or death."



Fiona Duncan Of San Luis Obispo, In A Letter To The SLO County Board Of Supervisors (July, 2016): "Please read the July 14th LA Times article. Please listen to locals and NOT to big oil companies. Vote no."



Lisa Shalet Of Carpenteria, In A Letter To The SLO County Planning Commissioners (July, 2016): "The disastrous (potential) impact of a derailment, crash and subsequent calamitous fire is just not acceptable. Should even one train derail or crash, the blast would reach a mile in each direction. We are all just feet from the train tracks. THIS MUST NOT HAPPEN!"



Laurance Shinderman Of Nipomo, In A SLO Tribune Letter To The Editor (July, 2016): "Imagine a pristine day in downtown SLO. Folks walking down Monterey Street, some stopping to enjoy a cup of coffee or just window-shopping on Marsh Street.

"And then in a flash, there's a cataclysmic explosion and a fireball with black smoke darkening the sky from a derailed Union Pacific train carrying tar sands crude to the Phillips refinery.



"It can't happen here? Well, that's what the folks in Mosier, Oregon thought."



Dr. Steven Aronie Of Nipomo, In A Letter To The SLO Planning Commission (July, 2016): "People are demanding you follow the will of the vast majority of voters and residents. Do your elected duty to serve our communities and preserve our safety. Your decision would say loud and clear - people come first with our commissioners not the profits of big oil."



Robert Tubman Of San Luis Obispo, In A SLO Tribune Letter To The Editor (July, **2016):** "It is not a matter of if oil trains derail, it is a matter of when. Do we really need to be burdened with a huge potential financial and human cost without any benefit? I was struck by several post-derailment problems (that Mosier, Oregon) is experiencing:

- 1. Oil-soaked soil which will take months or years to clean up.
- 2. Diminished real estate values because of contaminated soil and the perception that this was the town where the oil train derailed.
- 3. Depletion of the town budget attributable to the fact that the area, as well as the fire and police departments, was tied up for weeks.
- 4. The fact that the town derived no benefit from these oil companies.
- 5. Despite finding rusted bolts along the track, the oil trains continue to go through Mosier. Talk about a stick in the eye?"

http://goo.gl/r4zHg0

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B. WHY YOU SHOULD CARE ABOUT WHAT PHILLIPS 66 INTENDS FOR SLO COUNTY & ALL OF CALIFORNIA

• **Phillips' Motivation:** Phillips claims they are running out of California crude to process, and therefore jobs at their Nipomo refinery are at risk. This is <u>false</u>. Phillips' corporate executives have stated in writing that they want their entire company to process <u>lower-cost</u> crude oil in order to generate higher profits. That crude would come by rail from out of the country - from Canada.

They call it "taking a classic company in a new direction" ... i.e., it's their self-proclaimed "crude-by-rail strategy." The issue is about higher profits by switching to rail delivery, not about protecting jobs.

• Phillips' Proposal For SLO County: For 60 years, their refinery has received crude oil by <u>pipeline</u> ... not one drop by <u>rail</u>. Under their proposal, Phillips for the <u>first time</u> would bring in 20,000 rail tankers per year, fully loaded with Canadian "tar sands" crude. Every year, 250 trains, each a mile long, would travel into the county. Then the same 250 trains would depart (500 trains in total).*

Along with the loaded tankers would come, for the <u>first time</u>, the construction of a <u>rail terminal</u> -- including a "railcar unloading facility", a pumping station, and a new pipeline to move the crude within the refinery. This would be accompanied by trucks and other vehicles to service the facility.

- The Negative Impacts Of Conducting Business In An Entirely New Way: This represents an entirely new business model for Phillips it's a <u>dramatic transformation</u> in the way they operate in SLO County and <u>all</u> of California. This is not a benign "rail spur." The issue is the new <u>intensity</u> of their operations and <u>what they intend to bring in</u> on those rails. The impacts ...
 - Shipments throughout California of highly flammable, diluted "<u>tar sands</u>" ("one of the world's dirtiest and most environmentally destructive sources of fuel" U.S. Sen. Barbara Boxer).
 - Air pollution from diesel exhaust, the refining of tar sands and the resulting petroleum coke dust.
 - Noise pollution from blaring whistles and track noise throughout SLO County & California.
 - Light pollution from 15 to 30-foot-tall light towers surrounding the rail yard.
 - Statewide visual pollution of mile-long trains laden with graffiti, each hauling 80 oil tankers.
 - The potential for derailments and oil spills anywhere in SLO County & California.
 - The potential for *fires, explosions and toxic smoke* anywhere in SLO County & California.
 - The potential for *severe property damage* anywhere in SLO County & California.
 - The potential for *injuries and deaths* anywhere in SLO County & California.
 - The potential to *damage the reputation* of SLO County as a place to live, work and visit.
 - And the potential to damage the *economic well-being* of our homeowners and businesses.

Special Note: P66 claims that local officials are <u>preempted</u> by Federal law from protecting their citizens regarding anything related to the mainline railroad and the contents of the tank cars. However both SLO County Counsel and the CA Attorney General state it's the obligation of local governments to take into account <u>all</u> impacts - both within and outside their geographical region.

• What SLO County Officials Must Do: Therefore, given all of the above impacts -- SLO County's Planning Commissioners and Supervisors must reject Phillips' "rail spur" plan. If the <u>terminal</u> is not built, the trains will not be targeting California and SLO County.

*On Feb. 1, 2016 P66 reduced their proposal to 150 trains arriving per year (300 arriving/departing).

C. REFERENCES - RECENT VIDEOS & NEWS ARTICLES

(Stay current with news, articles and videos in-between newsletters at MesaRefineryWatch.com.)

Selected Items Discussed In Previous Newsletters ...

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- Benicia's Planning Commission Just Told Big Oil "Keep Your Trains Out Of Our City!" http://www.sacbee.com/news/local/transportation/article59969201.html
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- A Member Of Congress Warns Of Terrorist Attacks Against Crude Oil Trains: http://blogs.rollcall.com/the-container/new-yorker-sees-risk-of-terrorists-using-oil-trains/
- A New Record! More Railroad Oil Spills Than Ever: http://www.nbcnews.com/news/investigations/oil-train-spills-hit-record-level-2014-n293186
- What The Rail Terminal Will Sound Like: https://soundcloud.com/katie-lannan/3-51-a-m-11-07-14?in=katie-lannan/sets/linden_oil_trains
- Article In "New Times" Reaffirms Air Quality Problems On The Nipomo Mesa: http://www.newtimesslo.com/news/11776/dust-bust-even-as-stakeholders-make-small-advances-air-pollution-is-still-a-problem-on-the-nipomo-mesa/
- How Far Would SLO County Have To Evacuate?: http://explosive-crude-by-rail.org
- Video Listen To A <u>Survivor</u> Of The Lac-Mégantic Oil Train Disaster: http://sanfrancisco.cbslocal.com/2014/03/06/explosion-survivor-warns-of-fracked-oil-trains-newer-safety-regulations-delayed/
- Video What Oil Trains Would <u>Look & Sound Like</u> In SLO County: http://www.youtube.com/watch?v=11DTf6CYzHM&index=47&list=PL7A2C41AC7F231BD4

D. STEERING COMMITTEE MEMBERS; LOGISTICS OF THIS NEWSLETTER

- **1. Mesa Refinery Watch Group Steering Committee:** Contact one or more of our members with your comments or to learn about upcoming committee meetings.
 - Linda Reynolds (Founder): lreynolds151@gmail.com
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- **2. List Coordinator/Newsletter Distributor:** If you would like to add names for receipt of this newsletter, or if you would like to stop receiving it, kindly contact Steve Dubow -- sfdubow@charter.net.